

The Honorable THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PACIFIC BELLS, LLC; BRUNSWIKST, LLC; and WOW DISTRIBUTING, INC., in their own and on behalf of similarly situated employers,

and

MELISSA JOHNSTON; LENA MADDEN; JUDI CHAPMAN; KATHERINE SOLAN; JOHN EDMUNDSON; and MIKE LINDBO, individuals on their own behalf and on behalf of similarly situated employees,

Class Plaintiffs,

v.

JAY INSLEE, in his capacity as Governor of the State of Washington; CAMI FEEK, in her capacity as the Commissioner and Chief Executive Officer of the Washington Employment Security Department; DONALD CLINTSMAN, in his capacity as the Acting Secretary of the Washington Department of Social and Health Services; and THE LONG-TERM SERVICES AND SUPPORTS TRUST FUND, an employee benefit plan,

Defendants.

NO. 21-cv-01515-TSZ

STIPULATION AND ORDER
EXTENDING TIME FOR
RESPONSE AND ESTABLISHING
A BRIEFING SCHEDULE

NOTE ON MOTION CALENDAR:

DATE OF FILING

I. STIPULATION

The parties, by and through their respective attorneys of record, hereby stipulate to the following:

1 1. The parties met and conferred on December 7, 2021, concerning Defendants'
2 plans to respond to Plaintiffs' complaint. Defendants disclosed their current intent on filing a
3 motion under Federal Rule of Civil Procedure 12(b)(1) in lieu of an answer.

4 2. If Defendants do respond to Plaintiffs' complaint with a motion under Rule 12(b),
5 it will benefit the parties and the Court for the parties to have a full opportunity to brief the issues.
6 Due in large part to the upcoming holiday season, a schedule other than that allowed by the Local
7 Rules would be in the interest of justice.

8 3. The parties agree to the following schedule:

- 9 a. Defendants to respond to Plaintiffs' complaint by January 7, 2022;
- 10 b. If Defendants' response is by way of a motion under Federal Rule of
11 Civil Procedure 12(b), Defendants shall note that motion for
12 February 18, 2022, notwithstanding Local Rule of Civil Procedure 7;
- 13 c. Plaintiffs shall have until February 9, 2022 to respond to such motion;
- 14 d. Defendants' reply in support of such motion shall be due on the noting
15 date.

16 RESPECTFULLY SUBMITTED this 8th day of December 2021.

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18 DAVIS WRIGHT TREMAINE, LLP

ROBERT W. FERGUSON
Attorney General

19
20 s/ Richard J. Birmingham
21 RICHARD J. BIRMINGHAM, WSBA NO. 8685
CHRISTINE HAWKINS, WSBA NO. 44972

22 *Attorneys for Plaintiffs*

s/ William McGinty
23 WILLIAM MCGINTY, WSBA NO. 41868
24 *Assistant Attorney General*
25 DANIEL J. JUDGE, WSBA NO. 17392
26 *Senior Counsel*

Attorneys for Defendants

II. ORDER

IT IS HEREBY ORDERED that:

1. The stipulation of the parties is APPROVED AND ADOPTED; Dkt. #12-1 is AMENDED. Defendant's deadline for answering Plaintiffs' complaint (Dkt. #1) under Federal Rule of Civil Procedure 12 is extended to January 7, 2022. Should that response take the form of a motion, the following briefing schedule shall apply:

- a. Defendants shall note a motion filed in lieu of an answer for February 18, 2022;
- b. Plaintiffs' response shall be due on February 9, 2022;
- c. Defendants' reply shall be due on February 18, 2022;

2. The Clerk is directed to forward copies to the parties.

Dated this _____ day of December, 2021.

UNITED STATES DISTRICT JUDGE/ UNITED
STATES MAGISTRATE JUDGE

Presented by:

ROBERT W. FERGUSON
Attorney General

s/ William McGinty
WILLIAM MCGINTY, WSBA NO. 41868
Assistant Attorney General
DANIEL J. JUDGE, WSBA NO. 17392
Senior Counsel

Office of the Attorney General
7141 Cleanwater Drive SW
PO Box 40124
Olympia, WA 98504-0124

1 Telephone: (360) 586-6565
2 Fax: (360) 586-6657
3 Email: William.McGinty@atg.wa.gov
Daniel.Judge@atg.wa.gov@atg.wa.gov

4 *Attorneys for Defendants*

5
6 Approved for Entry by:

7 DAVIS WRIGHT TREMAINE, LLP

8
9 s/ Richard J. Birmingham

10 RICHARD J. BIRMINGHAM, WSBA NO. 8685
11 920 Fifth Avenue, Suite 3300
12 Seattle, WA 98104-1610
Telephone: 206.622.3150
Fax: 206.757.7700
Email: richardbirmingham@dwt.com

13 CHRISTINE HAWKINS, WSBA NO. 44972
14 929 108th Avenue NE, Suite 1500
15 Bellevue, WA 98004-4786
16 Telephone: 425.646.6100
Fax: 425.646.6199
Email: christinehawkins@dwt.com

17 *Attorneys for Plaintiffs*
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19
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CERTIFICATE OF SERVICE

I certify under penalty of perjury of the laws of the state of Washington and the United States that on December 8, 2021, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will automatically generate a Notice of Electronic Filing (NEF) to all Parties in this action who are registered users of the CM/ECF System. The NEF specifically identifies recipients of electronic notice:

RICHARD J. BIRMINGHAM
Email: richardbirningham@dwt.com

CHRISTINE HAWKINS
Email: christinehawkins@dwt.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 8th day of December 2021.

s/ William McGinty
WILLIAM MCGINTY
Assistant Attorney General